

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF : No. 3:16MJ157
THE CELLULAR TELEPHONE :
ASSIGNED CALL NUMBER (937) : HON. SHARON L. OVINGTON
586-8954 :
: **FILED UNDER SEAL**
:

ORDER FOR DELAYED NOTIFICATION

This matter comes before the Court on the government's motion to further delay notification, pursuant to 18 U.S.C. §§ 2705 and 3103a(b) and Rule 41(f)(3) (to the extent applicable), of the seizure of location information from the cellular telephone assigned call number (937) 586-8954 (hereinafter referred to as "Target Telephone"). On June 14, 2016, pursuant to 18 U.S.C. § 3103a(b), this Court authorized the officer executing the warrant in this matter that, upon conclusion of the seizure of location information, to delay notice for thirty days to the person who, or whose property, would be searched. On August 23, 2016, upon Motion of the United States, the Court granted a further delay up to and including October 12, 2016. Through its current motion, the government has requested an additional seventy-nine (79) days, up to and including December 30, 2016, in which to serve the person(s) using the Target Telephone with a copy of the Application and Search Warrant authorizing the seizure of location information from the Target Telephone.

Pursuant to 18 U.S.C. §§ 2705 and 3103a(b) and Rule 41(f)(3) (to the extent applicable), after the initial execution of the search warrant, the Court may permit additional delay of the giving of notice for a "reasonable period" -- generally not to exceed 90 days at a time -- "for good cause shown." See 18 U.S.C. § 3103a(b)(3)&(c). Based on the government's motion, the Court finds the government's investigation is ongoing, and there is good cause to believe that disclosure of this

application, search warrant and any return made thereon would seriously jeopardize the investigation. Such a delay is necessary to allow the investigation to continue, without prematurely impeding and exposing it by providing notice to the person(s) subscribing to and using the cell phone.

IT IS HEREBY ORDERED that, in accordance with 18 U.S.C. §§ 2705 and 3103a(b) and Rule 41(f)(3) (to the extent applicable), the government's motion for delayed notification of the seizure of location information from the Target Telephone, including disclosure of the application, warrant and any return made thereon is GRANTED, for seventy-nine (79) days, up to and including December 30, 2016, unless further extended by this Court.

Upon motion of the government, and for good cause shown, it is further ORDERED that the government's motion for delayed notification and this order, shall be SEALED, and the Clerk is instructed not to unseal these items unless otherwise ordered by the Court.

Date: _____

9/30/16


SHARON L. OVINGTON

CHIEF UNITED STATES MAGISTRATE JUDGE